

IN THE CIRCUIT COURT OF THE 9TH
JUDICIAL CIRCUIT IN AND FOR
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CAES NO.: 2018-CA-012128-O

SHARRIF K. FLOYD,

Plaintiff,

v.

DR. JAMES ANDREWS, M.D.; DR. GREGORY
HICKMAN, M.D.; DR. CHRISTOPHER WARRELL,
M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS
INSTITUTE AMULATORY SURGERY CENTER,
LLC; PARADIGM ANESTHESIA, P.A.; BAPTIST
HOSPITAL, INC.; BAPTIST HEALTH CARE
CORPORATION; GULF BREEZE HOSPITAL, INC.;
BAPTIST HOSPITAL, INC. d/b/a GULF BREEZE
HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

_____ /

NOTICE OF PRODUCTION FROM NON-PARTY

YOU ARE NOTIFIED that after ten (10) days from the date of service of this notice, if service is by delivery, or 15 days from the date of service, if service is by mail, and if no objection is received from any party, the undersigned will issue or apply to the clerk of this court for issuance of the attached Subpoenas Duces Tecum (Without Deposition) directed to **Dr. Christopher Larson, M.D.**, who is not a party and whose address is 4010 West 65th Street, Edina, MN 55435, to produce the items listed at the time and place specified in the subpoena.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was filed on November 21, 2018, via the Florida Courts E-Filing Portal and e-mailed, faxed and mailed to all counsel of record listed on the attached Service List.

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- AND -

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/s/ *Gabriel E. Nieto*

Gabriel E. Nieto

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CORPORATION; GULF BREEZE HOSPITAL, INC.;
BAPTIST HOSPITAL, INC. d/b/a GULF BREEZE
HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

SUBPOENA DUCES TECUM WITHOUT DEPOSITION

THE STATE OF FLORIDA:

TO: Dr. Christopher Larson, M.D.
4010 West 65th Street
Edina, MN 55435

YOU ARE COMMANDED to appear at Larson King, LLP, 30 East Seventh Street, Suite 2800, Saint Paul, MN 55101, on **Monday, December 17, 2018 at 10:00 a.m.**, and to have with you at that time and place the following:

SEE SCHEDULE "A" FOR DOCUMENTS TO BE PRODUCED

These items will be inspected and may be copied at that time. You will not be required to surrender the originals. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of

production. You may condition the preparation of the copies upon the payment in advance of the reasonable costs of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. These attorneys may be reached at the offices of The Brad Sohn Law Firm, PLLC, 2600 S. Douglas Road, Suite 1007 Coral Gables, Florida 33134 or Rasco Klock Perez & Nieto, P.L., 2555 Ponce De Leon Blvd., Suite 600 Coral Gables, Florida 33134. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. **THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.**

If you fail to:

- (1) appear as specified; or
- (2) furnish the records instead of appearing as provided above; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused by this attorney or the court, you shall respond to this subpoena as directed.

DATED: November 21, 2018.

By: /s/ Gabriel E. Nieto

GABRIEL E. NIETO, For the Court

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Attorneys for Plaintiff Sharrif K. Floyd

If you are a person with a disability who needs any accommodation in order to respond to this subpoena, you are entitled, at no cost to you, to the provision of certain assistance. Please contact The Brad Sohn Law Firm, PLLC, 2600 S. Douglas Rd., Suite 1007 Coral Gables, Florida 33134 or Rasco Klock Perez & Nieto, P.L., 2555 Ponce De Leon Blvd., Suite 600 Coral Gables, Florida 33134, at least 7 days before your scheduled appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

SCHEDULE “A”

DEFINITIONS

1. “You” and “Your” and “Yours”, hereafter, irrespective of capitalization, refer to Dr. Christopher Larson, any and all fictitious name(s), alter ego(s), parent and/or sister and/or member corporation(s), if any, any predecessors and successors thereof, any subsidiaries, affiliates and divisions, and any directors, officers, employees, consultants, agents, representatives and attorneys and/or any Persons or entities purporting to act on behalf of the same and/or under any or all of the control of the same.
2. “Action” or “Civil Action”, irrespective of its singular or plural usage, refers to civil litigation filed by Sharrif K. Floyd on or about November 6, 2018, in the Circuit Court in and for the 9th Judicial Circuit in and for Orange County, Florida styled “*Floyd v. Andrews, James, et al.*”, 2018-CA-012128-O (39).
3. “Document”, used interchangeably with “Communication”, means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, in its native form, and including originals, drafts, and all non-identical copies, whether direct from the original by reason of any notation made on such copy or otherwise, including, but no limited to, correspondence, memoranda, notes, messages, e-mail, letters, telegrams, teletype, telefax, bulletins, meetings or other communications, interoffice and intra office telephone calls, diaries, chronological data, minute books, reports, charts, ledgers, invoices, worksheets, receipts, returns, computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, canceled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases, (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or aural records, or representations of any kind, including, without limitation, blueprints, photographs, charts, graphs, microfiche, microfilm, videotape recordings, motion pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs and recordings, electronic mail, data stored in personal data assistants like “Palm Pilots” or “Blackberries,” and on computer disks and hard drives). **Some Documents may trigger arguable privilege objections on grounds related to patient privacy. If, and only if such responsive Documents are identified and believed to trigger such objections, it should be presumed that these requests ONLY seek such Documents in HIPAA-compliant form (e.g. names and birth dates redacted other than the Plaintiff himself, Mr. Floyd) with Plaintiffs reserving all rights to seek un-redacted copies in the event such redactions are deemed improper.**
4. As used herein, the singular and masculine form of noun and pronoun shall embrace, and be read and applied as including, the plural, feminine or neuter, as circumstances may make appropriate.
5. “Identify” or “Identified” irrespective of capitalization, when used in reference to:

- a. An individual shall mean to state his or her full name and present or last known address (including zip code), phone number, present or last known position or business affiliation (designating which), and job description.
 - b. A firm, partnership, corporation, proprietorship, or association, shall mean to state its full name and present or last known address (designating which) and to state the name and address of each person within the entity likely to have knowledge of the relationship between that entity and either one of the parties hereto.
 - c. A document shall mean to state, the date, author, sender, recipient, type of document or some other means of identifying it and its present location and custodian. In the case of a document within the possession, custody or control of the Defendant, please state whether the Defendant will make it available to Plaintiff's attorney for inspection and/or copying. In the case of a document that was, but is no longer in the possession, custody or control of Defendant, state what disposition was made of it.
 - d. An oral transaction or communication, means to: (1) state its nature (e.g. telephone call, conversation in person, etc.); (2) state the date and place thereof; (3) state the identity and address of each person participating therein, present during or witness to any part thereof; and (4) identify each document in which such transaction or communication was recorded, described or referred to.
 - e. The term "communication" or "communicate" means any writing or recording including, but not limited to, telephone conversations and meetings, letters, telegraphic and telex communications, and include all information relating to all oral communications and "documents" (as herein above defined), whether or not any such document or the information contained therein, was transmitted by its author to any other person.
6. "Date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation thereof (including reference or relationship to other events).

DOCUMENTS TO BE PRODUCED

1. Any and all documents referring or relating to Sharrif Floyd, Social Security Number: [REDACTED], DOB: [REDACTED] including but not limited to, any and all dictations, any and all records pertaining to the care, treatment, examination, rehabilitation, and/or evaluation, for any condition or injury regardless of the date thereof of Sharrif Floyd, and including, but not limited to, reports, patient intake/admission records, correspondence, test results, rehabilitation records, statements and bills, medication records, insurance claims, x-rays, and any other diagnostic studies, and any results of such studies, relating to any examinations, treatments, rehabilitation, lab work and/or any other services provided by any hospital (whether in-patient and out-patient), clinics, physicians, and/or any other health care providers.
2. All Communications with named Defendants in the Civil Action as defined above, including but not limited to all Documents sent to named Defendants and/or their counsel at any time, referencing or regarding the following: Sharrif Floyd; surgical and/or post-operative and / or post-procedure complications; nerve blocks; pain blocks; surgical

referrals after September of 2016; abrasion chondroplasty and/or microfracture surgery; and / or post-surgical rehabilitation from abrasion chondroplasty and/or microfracture surgery.

3. All Documents referencing or relating to Request Nos. 1 and 2 (including, but not limited to, calendar appointments, internal emails, SMS messages, etc.)
4. All Communications regarding the claims investigation of Sharrif Floyd's disability policy (including but not limited to communications with and/or documents provided to Mr. Phil Verdi, Lloyd's of London, Petersen Underwriters, Disability Management Service, Inc., and/or other outside parties) and/or the disability policy itself.
5. All Documents referencing or relating to Request No. 4 (including, but not limited to, calendar appointments, internal emails, SMS messages, etc.)
6. All Communications or Documents referencing or relating to Sharrif Floyd's medical treatment or condition, including but not limited to: documents supplied to insurance carriers; internal and/or external communications regarding appointments and/or medical status.
7. All data showing and/or depicting the time of entry, views of, usage of, and/or alteration of all materials responsive to this request.